

REMARKS

This amendment is responsive to the Final Office Action of October 27, 2009. Reconsideration and allowance of claims 8-11 and 18 are requested.

The Office Action

Claims 8-11 stand allowed.

Claim 18 stands rejected under 35 U.S.C. § 103 over Epperson (US 6,279,172) as modified by Sundberg (US 5,655,227) as further modified by Bainbridge (US 6,357,054).

**The Present Amendment
Should Be Entered**

The present amendment should be entered because it places the application in condition for allowance without requiring further search or consideration.

**The Claims Are Now in Condition
For Allowance**

Dependent **claim 11** has been amended to depend from allowed claim 8 rather than from allowed claim 9. Because claim 11 is being amended to depend from an allowed claim, it is submitted that it is allowable for the same reasons as claim 8 and that no issues that would require further search or consideration are raised. Moreover, claim 11 has been amended to resolve any ambiguity in the antecedent basis for the “padding” and the “lining fabric” in claim 8.

Accordingly, it is submitted that **claim 11** is now in condition for allowance

Claim 18 has been amended to include all of the subject matter of allowed claim 8. Specifically, claims 4-17 of claim 18 have been amended such that they include all of the limitations of lines 3-17 of claim 8. Lines 18-26 of claim 8 have been added to the end of claim 18 with only minor adjustments to assure proper antecedent basis with the preceding lines of claim 18. Because claim 18 now calls for a protective helmet including a rigid shell, resilient padding with a lining fabric, and

padding including all of the limitations of allowed claim 8, it is submitted that claim 18 is now in condition for allowance for the same reasons as claim 8. Moreover, because claim 18 includes all of the limitations of allowed claim 8, it is submitted that no further search or consideration is necessary to allow claim 18.

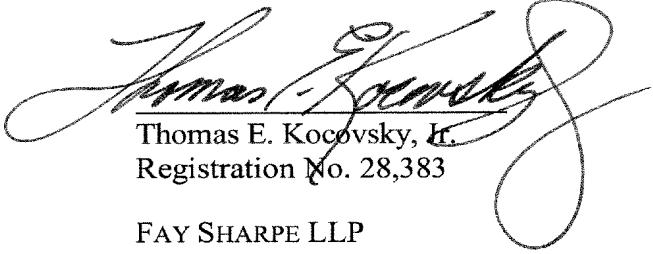
Accordingly, it is submitted that **claim 18** is now in condition for allowance.

CONCLUSION

For the reasons set forth above, it is submitted that claims 8-11 and 18 distinguish patentably over the references of record and are otherwise in condition for allowance. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at 216.363.9000.

Respectfully submitted,


Thomas E. Kocovsky, Jr.
Registration No. 28,383

FAY SHARPE LLP
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, OH 44115-1843
Telephone: 216.363.9000 (main)
Telephone: 216.363.9122 (direct)
Facsimile: 216.363.9001
E-Mail: tkocovsky@faysharpe.com